IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTIETH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY**

**WRIT PETITION NO : 16989 of 2004**

Between:

1 P. Bhadraiah Gupta, S/o. P. Balaram,
R/o. Flat No. 102, MIG 482/483 Vayuputra Towers, Kukatpally housing Board Colony, Hyderabad - 72.
2 A Leti Laxma reddy, S/o. Narayana Reddy,
r/o. Annaram Village, Jinnaram Mandal, Medak District, rep by their G.P.A. Holder Yousuf Khan, S/o. Lage Ghouse
Khan,aged 48 yrs. Occ:business, R/o. Plot No. 303 Marie Project Motinagar X Roads, Hyderabad.
3 A Leti Buchi Reddy, S/o. Laxma Reddy,
r/oAnnaram Village, Jinnaram Mandal, Medak District, rep by their G.P.A. Holder Yousuf Khan, S/o. Lage Ghouse
Khan,aged 48 yrs. Occ:business, R/o. Plot No. 303 Marie Project Motinagar X Roads, Hyderabad.
4 Arram Krishna Murthy, S/o. Anandarao,
r/o. H.No. 15-8-474, Feelkhana Hyderabad.

**..... PETITIONERS**

AND

1 The Union of India rep by its Secretary to Government Ministry of Defence, New Delhi.
2 The Group Captain and Chief Administrative officer for commandant, Air Force Acadomy Near Annaram,Medak District.
3 The District Collector, Medak at Sangareddy
4 The District Panchayat Officer, Medak at Sangareddy
5 The Mandal Revenue Officer Jinnaram Mandal, Medak District.
6 The Sub Registrar, Narasapur Medak District.

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ order or direction more in the nature of Writ of Mandamus directing the

respondents not to interfere with the possession and enjoyment of the petitioners over their lands in S.Nos.162 & 165, measuring Ac. 11-04 gs. S.No. 161/A Ac. 2-16 gts. S.No. 166/A, Adm Ac. 4.33 gts. S.No. 161/E, Adm Ac. 3.20 gts, total admeasuiring Ac. 10.29 gts and S.No. 166/A Adm NAC 2-17 gts all dry situated at Annaram Village, Jinnaram Mandal Medak District under Gram Panchayat Annaram Village Jinnaram Madnal Medak District including constructions of the house and enjoyment of the said lands in all respects as owners there of without any obstruction or objections from any of the respondents 1 to 5 and to direct the 6th respondent effect registration of parts of or entire land of above survey numbers of Annaram Village Jinnaram Mandal Medak District declaring the action of respondents 1 to 5 as illegal, untenagle and unenforciable .

**Counsel for the Petitioners:MR.A.BICHAIAH**

**Counsel for the Respondents 1& 2: MR.A.RAJASHEKAR REDDY (ASST. SOLICITOR GENERAL)**

**Counsel for the Respondents 3 to 6: GOVERNMENT PLEADER FOR REVENUE**

**The Court made the following :**

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

**ORDER:**

1. The writ petition has been filed by the petitioners, who are four in number, assailing the action of the Sub-Registrar, Narsapur, Medak District, in not registering the sale deeds in respect of lands in Survey Nos.162 and 165 admeasuring Ac.11.04 guntas, Survey No.161/A admeasuring Ac.2.16 guntas, Survey No.166/A admeasuring Ac.4.33 guntas and Survey No.161/E admeasuring Ac.3.20 guntas.

2. Heard the learned counsel for the petitioners and the learned Additional Standing counsel for Central Government appearing for the respondents 1 and 2 and the learned Government Pleader for Revenue appearing for the respondents 3 to 6.

3 . It is the grievance of the petitioners that the 6th respondent-Sub-Registrar, Narsapur,Medak District is not receiving the documents presented for registration in respect of Survey Nos.162, 165, 161/A, 166/A and 161/E on the ground that a letter has been received from the Mandal Revenue Officer, Jinnaram with instructions not to entertain sale transactions.

4 . The learned counsel for the petitioners submits that the Government has not issued any notification under Section 22 (A) of the Registration Act,1908 and therefore, the action of the Sub-Registrar,Narsapur,(6th respondent) in not receiving the documents for registration,is arbitrary and illegal.

5 . The learned Additional Standing counsel for Central Government appearing on behalf of respondents 1 and 2 submits that the construction activity is prohibited in Survey Nos. 162, 165, 161/A, 166A and 161/E and therefore, the Sub-Registrar, Narsapur, is justified in not receiving the documents for registration.

6. The learned counsel for the petitioners placed on record photostat copy of the lay out plan approved by the Sarpanch, Annaram Grama Panchayati.

7 . The controversy can be resolved by referring Section 22(A) of the Registration Act,1908 which reads as follows:

> ***"Documents registration of which is opposed to Public Policy:-***
>
> ***The State Government may, by notification in the Official Gazette, declare that the registration of any document or class of documents is***

***opposed to public policy.***

***Notwithstanding anything contained in this Act, the registering officer shall refuse to register any document to which a notification issued under sub-section (1) is applicable."***

8. Though the writ petition has been filed for multifarious reliefs, the counsel for the petitioners confined to the relief to the extent of questioning the action of the Sub-Registrar in not receiving the documents for registration. Admittedly, there is no notification issued by the Government under Section 22(A) of the Registration Act. In such a situation, the action of the 6th respondent-Sub-Registrar, Narsapur in not receiving the documents is not sustainable.

9. Accordingly the writ petition is disposed of directing the Sub-Registrar, Narsapur, Medak District, to receive the documents for registration presented by the petitioners in respect of Survey Nos. 162, 165, 161/A, 166/A and 161/E . No order as to costs.

_____

B.Seshasayana Reddy, J

20-07-2005

Note: C.C. by one week.

B/o.

Stp

To

1 The Secretary to Government, Ministry of Defence, Union of India, New Delhi.
2 The Group Captain and Chief Administrative officer for commandant, Air Force Acadomy Near Annaram,Medak District Hyderabad - 43.
3 The District Collector, Medak at Sangareddy
4 The District Panchayat Officer, Medak at Sangareddy
5 The Mandal Revenue Officer Jinnaram Mandal, Medak District.
6 The Sub Registrar, Narasapur Medak District.

7. Two CCs to G.P. for Revenue, High Court Buildings,Hyderabad,(OUT).

8 2 CD copies

-